

**TOWN OF CHARLESTOWN  
WASTEWATER MANAGEMENT COMMISSION  
4540 South County Trail  
Charlestown, RI 02813**

**Minutes of Regular Meeting  
Wednesday, February 12, 2014**

1. **CALL TO ORDER:** Mr. Ogle called the meeting to order at 6:02 pm.

2. **ROLL CALL:**

Present: Commissioners Mr. Peter Ogle, Ms. Barbara Lutzel, Ms. Elizabeth Richardson, Mr. Tom Ferrio.  
Also Present: Solicitor Wyatt Brochu, Wastewater Manager Matthew Dowling, Recording Secretary Bonnie Langlois. Absent: Commissioner Mr. Robert Frost.

3. **REVIEW AND APPROVAL OF MINUTES:**

Minutes reviewed and approved as written. Motion made by Mr. Ferrio, seconded by Ms. Lutzel to approve minutes. VOTE: Mr. Ogle – aye, Mr. Ferrio – aye, Ms. Lutzel – aye, Ms. Richardson – abstain. Motion approved with three (3) concurring votes.

Motion made by Ms. Richardson, seconded by Mr. Ferrio, to move Item #6c to here in meeting. All in favor.

Motion made by Ms. Richardson, seconded by Ms. Lutzel, to move Item #6a to here in meeting. All in favor.

Motion made by Mr. Ogle, seconded by Mr. Ferrio, to move Item #6d to here in meeting. All in favor.

4. **COMMUNICATIONS AND REPORTS:**

(a) **Solicitor's Report:** Will be combined with the Wastewater Manager's Report.

(c) **Wastewater Management Office – Matt Dowling:** Please see attached report.

5. **OLD BUSINESS:**

(a) **Review, discussion and potential action pertaining to the siting of on-site wastewater treatment systems relating to the Planning Commission's proposed Zoning Ordinance revisions.**

Mr. Ogle stated that he has not heard anything from the Planning Commission. Legislative Task Force discussions have been attended by Mr. Ogle. Mr. Ogle encouraged other members to attend these discussions. Discussion ensued regarding options for managing water quality. Mr. Ferrio distributed information regarding fertilizer usage and water quality. Mr. Dowling stated that he would modify (or perhaps create a new one) the fertilizer use flyer that he periodically sends out to homeowners within the 200 ft buffer of the coastal feature (properties in Zones 1 and 2) to address the elevated groundwater nitrate.

**(b) Discussion and potential action relating to implementation of Office of Wastewater Management program for collection and analysis of potable groundwater relating to bacteria and nutrients and OWTS in the Salt Ponds area.** Mr. Ogle stated that he will get a list of private well owners in the Quonochontaug area that the Wastewater Management Office can send letters to and talk to explaining what the Town is doing regarding testing potable groundwater. Regarding Charlestown Beach Road, commission members and the wastewater manager will try to get more people interested in the testing by word of mouth. Mr. Dowling is interested in reaching the population in Five Seasons subdivision and offering the testing to them as this is a densely populated area. Mr. Dowling will get another price quote to proceed with additional testing of these private wells.

## **6. NEW BUSINESS:**

**(a) Cesspool Temporary Hardship Waiver Application Hearing – DURNING KEVIN A + JANE-FRANCIS, 70 Burdickville Road, Zone 5 (May 2014) WAIVER REQUEST #cwz5-14-01.**

Mr. and Mrs. Durning were present for the hearing and were sworn in by Mr. Brochu.

### **The findings of the Commission are as follows:**

- This cesspool is in Zone 5 with a May 2014 replacement due date,
- This location is on the bank of the Pawcatuck River. As such, it is in a freshwater watershed area and is not in the Salt Pond Critical Resource Area,
- This residence will not require an advanced treatment system,
- Records show that the cesspool was last pumped in October 2012. This puts it out of compliance with the annual pumping requirement, the Applicant (Jane) testified that the cesspool was pumped and inspected in the summer of 2013,
- The property is 63.5 acres of farmland and tree farm. The farm is operated as Riverside Farm LLC but does not own the land.
- A portion of the property contains another residence owned by the parents of one of the Applicants. There seems to be no record of an OWTS associated with that dwelling.

### **The motion of the Commission is as follows:**

The Wastewater Management Commission, hearing the applicants' testimony and the report of the On-site Wastewater Manager in the application for a temporary hardship waiver for replacement of a cesspool at the subject address, makes the following findings:

- a) The Property contains a single family dwelling occupied by the Applicants year-round,
- b) The Property also contains a second dwelling that is not owned by the Applicants and that is not part of this decision,
- c) The Property utilizes a cesspool to manage wastewater from the Applicants' dwelling,
- d) There are no other residences near this cesspool so the only anticipated water quality impact would be to the Applicants' well,
- e) The cesspool is located in Zone 5 of the Charlestown Cesspool Phase-out Prioritization Overlay and is required by Town Ordinance to be removed and replaced with an on-site wastewater treatment system (OWTS) suitable for the Wastewater Management District by June 1, 2014.

- f) Town records indicate the cesspool was last pumped and inspected on October 18, 2012 and is currently in violation of the annual pump and inspection requirements of Town Ordinance 210,
- g) There is no evidence that the cesspool had failed as of the last inspection,
- h) The cesspool is not in the Critical Resource Area but it is near the Pawcatuck River,
- i) The owners' income exceeds the maximum normally associated with an income-based hardship waiver,
- j) The owners presented their hardship case based on a large amount of debt,

The Wastewater Management Commission makes the following determination in this case:

- a) The owners have demonstrated a financial hardship,
- b) That hardship is undue because the owners' debt and income situation does not permit a major expenditure at this time,
- c) The WWMC grants the extension request for three years from the requirement replacement date, until June 1, 2017,
- d) Proof of current cesspool pumping and inspection (less than one year old) or record of pumping and inspection of the cesspool must be furnished to the Town Office of Wastewater Management within 30 days,
- e) The cesspool must be pumped and inspected annually until its replacement,
- f) If the cesspool is deemed a Failed System it will nullify this waiver and the cesspool will be subject to the RI DEM and Town of Charlestown replacement and repair requirements,
- g) Testing of the onsite potable water well shall be conducted for nitrate, nitrogen, coliform bacteria and e. coli bacteria within 90 days and the results copied to the Town Office of Wastewater Management.
- h) This waiver is applicable exclusively to the Applicants, is non-transferable and does not run with the land.

End of motion

**VOTE: Mr. Ogle – aye, Mr. Ferrio – aye, Ms. Lutzel – aye, Ms. Richardson – aye. All in favor. Motion passed with four (4) concurring votes.**

**(b) Discussion and action on Town of Charlestown Office of Wastewater Management proposed FY 2014/2015 budgetary line item #660-6055 for the total amount of \$10,900.** Motion: Ms. Richardson made the following motion: "I move that the Wastewater Management Commission approve and strongly support the expenditure of ten thousand, nine hundred dollars (\$10,900.00) for further study of groundwater nitrogen". Mr. Ogle seconded the motion. No further discussion. VOTE: Mr. Ogle – aye, Mr. Ferrio – aye, Ms. Lutzel – aye, Ms. Richardson – aye. Motion passed with four (4) concurring votes.

**(c) Discussion and potential action with Mr. Ernest Morreira, Charlestown Affordable Housing Commission (AHC) liaison to the Charlestown Wastewater Management Commission (WMC) regarding the AHC's status with affordable housing.** Mr. Morreira came before the commission and stated that the purpose of his visit generally is just to establish a liaison, a communication channel, between the Affordable Housing Commission and the Wastewater Management Commission.

**(d) Discussion and potential action with members of the Quonochontaug/East Beach Water Association relating to a trend of elevating nitrate concentrations over time in water from the**

**Community Water Supply.** Mr. Peter Goodwin from the Quonochontaug/East Beach Water Association addressed the Commission. This water association serves 115 families in the East Beach Road area, about half being summer residents, half being full time residents. Two wells service these homes and both are located off Sea Breeze Ave. and are considered shallow wells, less than 30 ft deep. Testing was done in 1971 and the wells were running at about 3 parts per million for groundwater nitrates. Recent testing indicates (Feb 2013), about 5 parts per million for groundwater nitrates. Measurements above 5 parts per million require action through the EPA. Mr. Goodwin is concerned with what action should be taken to protect the residents in this water district and for residents throughout the Town. This association is looking for information and direction from Mr. Dowling and from the WWMC regarding ways in which they can help to “stem the tide”, or stop the progression of this problem. The association is interested in working with the Town, and he has come before the commission to convey this concern that the association has. Mr. Ogle thinks it is a good idea for residents to come in and voice concerns over a problem they can foresee and he believes that the Town, having some authority, can do a better job or at least help more than an association can. The Quonochontaug/East Beach Water Association is interested in getting involved with Mr. Dowling and the WWMC for the safety of drinking water in the Town.

**7. PUBLIC COMMENTS:**

None

**8. ADJOURNMENT:**

Motion made by Ms. Richardson, seconded by Mr. Ferrio to adjourn meeting. Meeting adjourned at 8:02 pm. Next meeting is scheduled for March 12, 2014 at 6:00 pm.